

## ORDINANCE C-104-90

AN ORDINANCE TO AMEND SECTIONS 191.01, 191.02, 191.03,  
191.05, 191.07, AND 191.99, AND TO REPEAL SECTION 191.021  
OF THE CODIFIED ORDINANCES ENTITLED INCOME TAX

-----

WHEREAS, the Division of Income Tax, City of Columbus, has amended sections of the Columbus Income Tax Code; and

WHEREAS, the City of Columbus collects the Income Tax for the City of Grove City and has asked this city to amend its code in several sections to promote the interests of the effective enforcement of Chapter 191 as well as enhance administrative efficiency;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO, THAT:

**SECTION 1.** Section 191.01 of the Codified Ordinance entitled "Definitions" which reads in subsection (h): Employee means one who works for wages, salary, commission or other type of compensation in the service of an employer:

*IS HEREBY AMENDED TO READ:* (h) Employee means one who works for wages, salary, commission or other type of compensation in the service and under the control of an employer.

**SECTION 2.** Section 191.02 of the Codified Ordinance entitled "Taxable Moneys" which reads in subsection (c)(3): For the purposes of subsections (c)(1) and (2) herein, an association shall not be taxable as an entity, but any member thereof who is a resident of the City shall be taxed individually on his entire share, whether distributed or not, of the annual net profits of the association, and any nonresident member thereof shall be taxed individually only on the portion of his share, whether distributed or not, of the annual net profits of the association derived from work done, services performed or rendered and business or other activities conducted in the City; (Ord. C7-71. Passed 3-1-71.):

*IS HEREBY AMENDED TO READ:* (c)(3) For the purposes of paragraphs (c)(1) and (2) above, an association shall be taxed as an entity, on the net profits of the association derived from work done or services performed or rendered and business or other activities conducted in the city, whether or not such association has its principal or any place of business located in the City, effective for all accounting periods commencing on or after January 1, 1991.

AND TO ADD subsection (c)(4) which reads: For the purposes of paragraph (c) (1) above, a resident of the City who is a member of an association is taxed individually on that residents' entire share, whether distributed or not, of the annual net profits of the association which are not subject to entity filing under paragraph (c) (3) above, effective for all accounting periods commencing on or after January 1, 1991.

**SECTION 3.** Section 191.03 of the Codified Ordinance entitled "Allocations of Net Profits" which reads in part in subsection (a)(1): The average net book value of the real and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average net book value of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated:---

IS HEREBY AMENDED TO READ IN PART: The average net book value of the real and tangible personal property owned by the taxpayer in the business or profession in the City during the taxable period to the average net book value of all of the real and tangible personal property owned by the taxpayer in the business or profession during the same period, whenever situated:---

**SECTION 4.** Section 191.03 of the Codified Ordinance entitled "Allocations of Net Profits" which reads in subsection (c)(3): All sales of tangible personal property which is shipped from a place within the City to purchasers outside the City regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made. (Ord. C7-71. Passed 3-1-71.)

IS HEREBY AMENDED TO READ: (c)(3) All sales of tangible personal property which is shipped from a place within the City to purchasers outside the City regardless of where title passes if the sale is not generated through solicitation or promotion by an employee of the taxpayer at the place where delivery is made.

**SECTION 5.** Section 191.05 of the Codified Ordinance entitled "Return; Payment of Tax" which reads in subsection (g): The Director shall have the authority to extend the time for filing of the annual return upon the request of the taxpayer for a period not to exceed six months, or one month beyond any extension requested of or granted by the Internal Revenue Service for the filing of the Federal income tax return. The Director may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due. No penalty or interest shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended. (Ord. C7-71. Passes 3-1-71.)

*IS HEREBY AMENDED TO READ:* (g) The Director shall have the authority to extend the time for filing of the annual return, provided, the request of the taxpayer for extension is made in writing and received on or before the original due date of the return. The extension period requested may not exceed six (6) months. The Director may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon on or before the original due date. No penalty shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

**SECTION 6.** Section 191.07 of the Codified Ordinance entitled "Collection at Source" which reads in part in subsection (a)(2): Monthly payments of taxes withheld shall be made by an employer if the taxes withheld in the prior calendar year were less than twelve thousand dollars (\$12,000) but more than one thousand one hundred ninety-nine dollars (\$1,199) or if the taxes withheld during any month for the preceding quarter exceeded one hundred dollars (\$100.00).---

*IS HEREBY AMENDED TO READ IN PART:* (a)(2) Monthly payments of taxes withheld shall be made by an employer if the taxes withheld in the prior calendar year were less than twelve thousand dollars (\$12,000) but more than three thousand five hundred ninety-nine dollars (\$3,599) or if the taxes withheld during any month for the preceding quarter exceeded three hundred dollars (\$300.00).---

**SECTION 7.** Section 191.99 of the Codified Ordinance entitled "Penalty" which reads: Any person subject to the provisions of this chapter who fails, neglects or refuses to make any return or declaration, or any employer who fails, neglects or refuses to deduct and withhold the taxes imposed by this chapter or any taxpayer who fails, neglects or refuses to pay the tax, interest and penalties imposed by this chapter, or any person who refuses to permit the Director of Finance, his duly authorized agent or employee to examine the books, records and papers of a taxpayer, or any person who knowingly makes an incomplete, false or fraudulent return or who attempts to do anything whatever to avoid the payment of the whole or any part of the tax under this chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense, and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days or both, for a second or subsequent offense. The failure of an employer or taxpayer to receive or procure a return or declaration form shall not excuse him from making a return or declaration or paying the tax levied under this chapter. (Ord. C7-71. Passed 3-1-71.)

IS HEREBY AMENDED TO READ:

- (a) No person subject to the provision of this chapter shall do any of the following:
  - (1) Fail, neglect or refuse to make and file any return or declaration.
  - (2) Fail, neglect or refuse to pay the tax, interest or penalty imposed by this chapter.
  - (3) Being a corporation or business association fail, neglect or refuse to permit the City Auditor or his duly authorized agent or employee the opportunity to examine their books, records and papers by failing to produce such information at the reasonable time and place designated pursuant to Section 191.10 of this Code.
  - (4) Knowingly make and file an incomplete, false or fraudulent return.
- (b) No employer shall fail, neglect or refuse to deduct and withhold the taxes or pay the taxes imposed by this chapter.
- (c) The failure of an employer or taxpayer to receive or procure a return or declaration form, shall not excuse either one from making a return or declaration or paying the tax levied under this chapter.
- (d) Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree and upon conviction thereof, shall be fined in a sum not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a period not to exceed thirty days or both for a first offense, and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months for a second or subsequent conviction.

**SECTION 8.** Section 191.021 of the Codified Ordinance entitled "Additional Tax" is hereby repealed.

**SECTION 9.** This ordinance shall take effect at the earliest opportunity allowed by law.

Earl R. Nicholson  
Earl R. Nicholson, President of Council

Passed: 12/17/90

Richard L. Stage  
Richard L. Stage, Mayor

Effective: 1/16/91

Attest:

June A. Cook  
June A. Cook, Clerk of Council

I Certify that this ordinance is correct as to form.

R.E. Gunderman  
R.E. Gunderman, Director of Law